



WEB COPY



W.P.No.2503 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.2503 of 2024

N.S.Eshwaran

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Erode Region,
Erode.

2.No.3324, Neringipettai Primary Agricultural
Co-operative Credit Society Ltd.,
Rep. by its Administrator,
Anthiyur Taluk,
Erode District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to promote the petitioner as Assistant Secretary in the second respondent society by considering my representation dated 04.12.2023.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mrs.M.Geetha Tamaraiselvan for R1
Special Government Pleader
Mr.K.Surendran for R2
Additional Government Pleader



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to promote the petitioner as Assistant Secretary in the second respondent society by considering his representation dated 04.12.2023.

2.The learned counsel appearing for the petitioner would submit that the petitioner has given representation to consider him for promotion vide representation dated 04.12.2023. The learned counsel would further submit that the respondent denied promotion on the ground that the petitioner is not eligible for promotion.

3.At this Juncture, the learned Special Government Pleader would submit that the respondents have already considered the petitioner's representation vide order dated 08.02.2024. If at all the petitioner has any grievance, the petitioner has to adjudicate the order of the Deputy Registrar of Co-operative Societies dated 08.02.2024.

4.At this Juncture, the learned counsel appearing for the petitioner, would submit that the petitioner has given representation to the Joint Registrar of Co-operative Societies. Hence the Deputy



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Registrar of Co-operative Societies has no power to pass order. The learned counsel would further submit that denial of promotion to the petitioner is based upon K.Palaniswamy who is the immediate Senior to the petitioner. The learned counsel would further submit that as against K.Palaniswamy, the learned Judicial Magistrate No.2 has passed an order of conviction by invoking Probation of Offenders Act, 1958 and no imprisonment was ordered against him. Therefore, it is the contention of the petitioner that K.Palaniswamy cannot be considered for promotion.

5.However, such submission was objected by the learned Special Government Pleader.

6.In view of the disputed facts and also upon the fact that the Joint Registrar of Co-operative Societies did not pass any order upon the petitioner's representation, without going into the merits of the writ petition, this Court deems it appropriate to direct the first respondent to consider the petitioner's representation dated 04.12.2023, upon its own merits and in accordance with law and pass orders, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that while passing the order, the first



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C.KUMARAPPAN,J.
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respondent is directed to consider the effect of the order passed in
C.C.No.139 of 2024 dated 04.07.2024.

7.The writ petition is disposed of. No costs.

28.07.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Joint Registrar of Co-operative Societies,
Erode Region,
Erode.
- 2.No.3324, Nerinjipettai Primary Agricultural
Co-operative Credit Society Ltd.,
Rep. by its Administrator,
Anthiyur Taluk,
Erode District.

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